Buena Vista Coalition
Cawelo Water District Coalition
Kaweah Basin Water Quality Association
Kern River Watershed Coalition Authority
Kings River Watershed Coalition Authority
Tule Basin Water Quality Coalition
Westside Water Quality Coalition

May 7, 2018

Karl E. Longley, Ph.S, Chair
Ms. Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

RE: Proposed Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basin and the Tulare Lake Basin to Incorporate a Central Valley-Wide Salt and Nitrate Control Plan

Dear Chair Longley and Executive Officer Creedon,

The Tulare Lake Basin (TLB), Irrigated Lands Regulatory Program (ILRP) Coalitions wish to congratulate you, your staff, and all stakeholders that have participated in Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) for successfully completing preparation of the comprehensive Central Valley-wide Salt and Nitrate Management Plan (SNMP), and for implementing the proposed strategies and policies contained in the SNMP into the Draft Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to Incorporate a Central Valley-wide Salt and Nitrate Control Program (Draft Amendments).

Overall, the Coalitions believe that the Draft Amendments and the supporting Draft Staff Report are consistent with the recommendations contained in the SNMP. The Tulare Lake Basin ILRP Coalitions support adoption of the Draft Amendments with the recommended edits.

GENERAL COMMENTS

- The Tulare Lake Basin ILRP Coalitions support the comments provided by the Central Valley Salinity Coalition (CVSC).
- There are typos that we assume will be corrected in final versions; we have not called them out here. However, we think it is important to note that notwithstanding the typical complexity and density of policy language, the use of long sentences and paragraphs make the amendments and supporting documentation even more difficult to read and understand. In addition, it would

be helpful to have page numbers for easy reference. Specific examples of language that could be simplified include:

- Appendix J, page ? – Paragraph that begins with "Once a Management Zone Implementation Plan….." This sentence needs to be clarified.
- Appendix J, page ? – Publicly Owned Treatment Works/Point Source Industrial Discharge section – paragraphs are very long.
- Recommendations for Implementation to Other Agencies – first paragraph should be broken up into at least two to make it more clear.

COMMENTS ON STAFF REPORT

- Page 10 of the Executive Summary of the Draft Staff Report characterizes surface water in the Tulare Lake Basin area as "extensively impacted by salinity." This statement is incorrect and inconsistent with data provided in Appendix A and language in the main report.

The main staff report characterizes surface water in the Tulare Lake Basin. Page 149 describes surface water, stating "median and calculated values within the 1st and 3rd quartiles are lower than the recommended SMCL with the exception of the Main Drain Canal, where high EC levels above 900 µS/cm are observed during irrigation events." On page 150 the surface waters in the Tulare Lake Basin are further described:

> Where measured, nitrate concentrations in natural source waters are generally below 10 mg/L-N. EC levels in natural source waters are variable, but are typically below 1,000 µmhos/cm. However, irrigation drainage and canals can experience EC levels above 1,000 µmhos/cm (Larry Walker Associates, 2016b). Water bodies on the valley floor of the Tulare Lake Basin are primarily comprised of irrigation and drainage canals.

Appendix A contains several charts summarizing data points evaluated for surface water quality in the Tulare Lake Basin. Data is summarized for 4 monitoring sites including the Main Drain Canal at Highway 46. A sample size of 43 conductivity measurements indicates a median value of approximately 1,000 µmhos/cm for the Main Drain. This data set should not be considered representative of current conditions within the Main Drain or considered representative of other agricultural drains in the TLB for the following reasons; 1) The collected data set doesn't include information collected since 2014, 2) The Main Drain no longer functions as an agricultural drain, 3) The Main Drain "watershed" is relatively small, and isolated periods of flow typically fall in the 10 csf range.

Staff should revise the following:

- The Executive Summary should be revised to reflect the description in the main text of the Staff Report of surface waters in the Tulare Lake Basin.
- Data for only a single agricultural drain was evaluated. This data should not be considered representative of all agricultural drainages in the Tulare Lake Basin area. Text should not summarize irrigation drainage in general as reflective of a single sampling site.

GENERAL COMMENTS ON APPENDICES

Appendices are somewhat inconsistent in providing timelines. For example, timelines are provided for Notice to Comply and Notice of Intent, but not for the Final Management Zone Proposal. If this schedule depends on Executive Officer approval, then that should be clarified.

SPECIFIC COMMENTS ON APPENDICES

- **Appendix I** – The language here is confusing about what ILRP permittees do and don't have to do. This could be clarified better in the paragraph beginning "During Phase 1 of the Program…" In this paragraph, it sounds like they don't get a NTC, but that is likely not the intent. Again, page numbers here would be helpful for reference.

- **Appendix J** – At the end of this appendix, under Irrigated Lands – Third Party Programs, it is concerning that the EAP must be implemented 60 days after the submittal of the Preliminary MZ Proposal, even though that timeframe represents the review period, and when permittees can still decide if they are joining the MZ or not. How will the lead entity of the MZ know how to implement the EAP if it has not had the opportunity to confirm all participants? Implementation of the EAP will need planning and funding. Also, during the same timeframe, the Final MZ Proposal has to be prepared, and multiple other tasks, and it seems like all these tasks pile up within this 60-day timeframe. We suggest that the timeframe be extended.

  In the last paragraph of this appendix, there is no timeline provided, though there are timelines provided for other requirements described earlier in the appendix. It would be helpful if this was more consistent. The only place the timeline for the Final MZ Proposal is mentioned is in Table N-5.B of the staff report. It would be helpful to have it here as well, to be consistent with other descriptions. Also, it would be helpful to be more consistent with timelines – by expressing them in either days or months on timelines/due dates, instead of switching back and forth.

- **Appendix J** – Page 7, Path B Permittees – Preparation and Participation in a Management Zone, second paragraph. It seems that for coalitions, the MZ Implementation Plan would include a lot of information from the MPEP of the ILRP program. These two efforts should likely be cross-referenced, because for agriculture, it may take years (as the MPEP effort acknowledges) to find what the management practices are that give the best results in specific areas. For point dischargers, the Implementation Plan may be more specific, but for coalitions of non-point dischargers, it will highly depend on the results of the MPEP.

COMMENTS ON BASIN PLAN LANGUAGE

All comments below pertain to Chapter 4, Implementation of the Basin Plan amended language.

- Page 43, Bullet point no. 2: "Regional Board will require dischargers to continue to implement reasonable, feasible and practicable efforts to control levels of salt in discharges. Such efforts may include, but are not limited to, implementation of management practices that are designed to reduce salt in discharges……" We are unclear about what this means for agriculture. The only way to reduce salt in a discharge of water from an agricultural field is to apply more water (using irrigation) to dilute it, which is contrary to water conservation practices. Growers can't realistically control non-point agricultural discharges of salt without using more water.

- Page 43, introductory paragraph and Page 44, section titled "Permitted Discharge to a Water Body Subject to De-designation of Beneficial Use" (bottom of page 44): We support the joint comments made by the Tulare Lake Drainage District and the Tulare Lake Basin Water Storage District, which state: "Now that the MUN and AGR beneficial use de-designations have been completed, we request the Salt Control Plan be clarified to apply to areas where there is a MUN or AGR groundwater beneficial use. This clarification to the Salt Control Program should be made in the introductory paragraph on page 43 and in the section titled "Permitted Discharge to a Water Body Subject to De-designation of Beneficial Use" (bottom of page 44). It should be reflected that based upon a P&O Study, a discharge in an area where there is not a MUN or AGR groundwater beneficial use designation should not be subject to the Salt Control Program."

- The definition/explanation of Management Zone still needs to be clarified in the language. It needs to be explicitly stated that MZs can comprise multiple permits. It is not mentioned in any of the references to MZs, descriptions, or in Table N4.

- We are still unclear on how agricultural coalitions and management zones will potentially interact, specifically:

    - We assume that agricultural coalitions, acting as a third party with one permit that applies to many growers, will have the choice of choosing Path A or B. However, if the coalition chooses Path A, it seems unlikely that an initial assessment (and other requirements under Path A) for a coalition would be possible. For example, how would the discharge of a coalition be categorized into the categories required by Path A?

    - If the coalition chose Path B, because this is what the policy is designed to incentivize, would the physical boundaries of the coalition necessarily require that the coalition be in a management zone with other dischargers that are within that physical boundary?

    - How is the zone of contribution applied in a MZ situation? The glossary says area of contribution. These terms should be used consistently. We assume they mean the same thing; if so, only one term should be used, and if not, they should each be defined.

        - Is the entire Management Zone assumed to be the zone of contribution?

        - It might only be meant for individual dischargers, but since coalitions would be treated as such, could a zone of contribution extend outside the coalition boundary?

        - Could a discharger have two distinct zones of contribution? With point dischargers this is unlikely but with agriculture it is highly likely. If so, would an agricultural entity potentially be subject to more than one permit? This nexus of coalition, MZ and zone of contribution needs to be clarified for non-point dischargers.

- Surveillance and Monitoring – It seems obvious that the MPEP of the ILRP, which is already established, should dovetail and not duplicate the SAMP, and that the MPEP should be emphasized from an agricultural perspective.

- On pages 51 through 52, the Draft Amendments identify specific revisions to the Tulare Lake Basin Plan for salinity limits. However, as currently proposed, these Draft Amendments do not address the issue of boron. The Tulare Lake Basin Plan boron limit of 1 mg/L is not a water quality objective and

is not directly tied to protecting any specific beneficial use. Thus, retaining this limit of 1 mg/L lacks justification and purpose. To address this issue, the we recommend that the limit of 1 mg/L be deleted throughout chapter 4 of the Tulare Lake Basin Plan. In its place, we recommend that reference be made to the applicable water quality objective for boron. This will provide the Central Valley Water Board with the discretion to properly interpret the applicable boron objective for the actual agricultural use without unduly limiting boron to 1 mg/L in waste discharges with no proper justification. Further, we recommend that the Boron limits apply to the receiving waters and not effluent. Our proposed edits are as follows:

- (page 51) – Agricultural drainage may be discharged to surface waters provided it does not cause the receiving water to exceed an applicable water quality objective for boron.

- (page 51) – Discharges shall not cause the receiving water to exceed an applicable water quality objective for boron ~~content of 1.0 mg/L~~.

- (page 51) – Discharges to areas that may recharge good quality ground waters shall not cause the receiving water to exceed an applicable water quality objective for boron ~~content of 1.0 mg/L~~.

- (page 52) – ~~Maximum salinity~~ boron limit~~s~~ for wastewaters in unlined sumps overlying ground water with existing and future probable beneficial uses ~~are 1,000 µmhos/cm EC, 200 mg/l chlorides, and~~is ~~1 mg/l boron~~ shall not cause the receiving water to exceed an applicable water quality objective for boron, except in the White Wolf subarea where more or less restrictive limits apply. The limits for the White Wolf subarea are discussed in the "Discharges to Land" subsection of the "Municipal and Domestic Wastewater" section.

- (page 52) - Discharges of oil field wastewater that exceed ~~the above maximum~~ proposed boron ~~salinity~~ limits may be permitted to unlined sumps, stream channels, or surface waters if the discharger successfully demonstrates to the Regional Water Board in a public hearing that the proposed discharge will not substantially affect water quality nor cause a violation of water quality objectives.

- Drought and Conservation policy – We are unclear why boron is not included here but it is included in the Exceptions policy. In the Drought and Conservation Policy section it says "*No additional studies have been conducted to determine appropriate interim limits for boron under drought or conservation/reuse conditions. Therefore, it is inappropriate at this time to include boron in the proposed policy.*" Yet in the Exceptions Policy it says, *"Specific requirements similar to the Salt and Nitrate Control Program have not yet been developed for boron, therefore, requirements specific to boron discharges reflect those previously adopted for salinity discharges."* A drought and conservation policy that does not include boron might be ineffective because allowances are made for other constituents that will change during drought, but not for boron, which will still have typical year limits.

RECOMMENDATION

The Tulare Lake Basin ILRP Coalitions encourage the Central Valley Regional Water Quality Control Board to adopt the proposed Basin Plan Amendments, with suggested edits requested within, as this will be the best path forward for addressing important water quality issues. The TLB ILRP Coalitions will continue to be actively engaged in the implementation process and look forward to working with Regional Board staff to help achieve the goals of the plan and address any issues that arise.

Please contact Nicole Bell for any questions that you may have at (661) 616-6500 or nbell@krwca.org.

Sincerely,

Nicole M. Bell, Manager
Kern River Watershed Coalition Authority